

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: Richard REYNOLDS, Simon BROOM and Paul
BARRETT

Serial No.: 10/758,176

Group Art Unit: 2857

Filed: January 15, 2004

Examiner: Jeffrey R. West

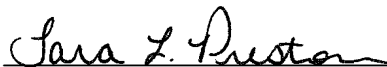
Conf. No.: 4849

For: QUALITY ASSESSMENT TOOL

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
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I hereby certify that this paper is being transmitted via EFS to the Patent and
Trademark Office on December 13, 2006.



Tara L. Preston

SUPPLEMENTAL RESPONSE

Sir:

Further to the Amendment filed October 19, 2006 in connection with this
application, please consider the following additional arguments.

Examiner West is thanked for courtesies extended to Applicants' representative
during a telephonic interview on November 17, 2006. During the interview, Examiner
West indicated that a Rule 132 Declaration should be filed to provide evidentiary support
for the arguments made during the telephonic interview and the arguments made in the
Amendment filed October 19, 2006. Accordingly, attached hereto is a Rule 132
Declaration of Mr. Simon Broom to be entered and considered in the present case. Mr.
Broom attests that one skilled in the art would have understood that the determination of
the long term jitter (lt_jitter) is an ongoing, iterative process updated at every cycle based
on a newly calculated value of jitter, and that Fig. 8 represents a computer program that

that Fig. 8 represents a computer program that can be started and stopped at the direction of a user. Mr. Broom further attests that, as is typical in the art, the calculations would begin with a value for `lt_jitter` of zero, and that the inventive process described in Fig. 8 would function normally when run as a typical computer program using a beginning value of zero for all variables to be calculated. Entry and consideration of the Rule 132 Declaration are respectfully requested.

For specific arguments relating to the objections and rejections asserted by the Examiner in the Final Office Action mailed May 19, 2006, Examiner West is hereby requested to refer to the remarks and amendments provided in the Amendment filed October 19, 2006.

With regard to the objections to the specification and to claim 9, the rejection of claims 1-5 and 9 under §112, first paragraph, and the rejection of claim 9 under §112, second paragraph, Applicants respectfully submit that the arguments provided in the Amendment filed October 19, 2006 in addition to Mr. Broom's sworn statements overcome all of these objections and rejections.

With regard to the rejection of claims 1, 2 and 9 under §103(a) over Cisco in view Scott and further in view of Bearden, Applicants respectfully submit that the arguments provided in the Amendment filed October 19, 2006 overcome the present rejection. Additionally, while Applicants agree that Scott discloses the calculation of an average jitter based on packets contained within a sliding window, Applicants respectfully submit that Scott fails to disclose or suggest a method including generating a *long term average jitter parameter* in dependence upon the value of the jitter parameter for the stored packet and the value of the jitter parameter for *any proceeding stored packets*, as recited in claim 1 and 9.

With regard to the rejection of claims 3-5 under §103(a) over Cisco in view of Scott and Bearden and further in view of Carley, Applicants respectfully submit that the arguments provided in the Amendment filed October 19, 2006 overcome the present rejection.


For at least the foregoing reasons, Applicants respectfully submit that all pending claims herein define patentable subject matter over the art of record. Accordingly, Examiner West is requested to issue a Notice of Allowance for this application in due course.

If Examiner West believes that contact with Applicants' attorney would be advantageous toward the disposition of this case, he is herein requested to call Applicants' attorney at the phone number noted below.

The Commissioner is hereby authorized to charge any additional fees associated with this communication or credit any overpayment to Deposit Account No. 50-1446.

Respectfully submitted,

December 13, 2006
Date


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